REMARKS

Claims 1, 3-12, and 14-17 were previously presented. Claims 11-12 and 14-17 have been canceled in response to a restriction requirement. Claims 22-29 are newly added. Thus, claims 1, 3-10 and 22-29 are all the claims presently pending in the application. Claims 1 and 3-10 are rejected on prior art grounds. Applicants respectfully traverse these rejections based on the following discussion. The following paragraphs are numbered for ease of future reference.

I. The Prior Art Rejections

[0001] Claims 1 and 3-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Halliday (U.S. Publication No. 2002/0083003), hereinafter referred to as Halliday, in view of Deliwala (U.S. Publication No. 2004/0210496), hereinafter referred to as Deliwala. The Applicants respectfully traverse these rejections based on the following discussion.

[0002] The Applicants submit that the prior art references alone and/or in combination do not make obvious the following features of amended independent claim 1 (or the similar limitations of amended independent claims 9 and 10): (1) "metering the use of network-accessible computer resources by multiple users of said computer resources during a same time period"; (2) "recording, as process accounting information, usage of said computer resources during said time period, said computer resources comprising servers distributed across an infrastructure of a service provider"; (3) "recording service request information for service requests made by said users to said service provider"; and (4) "correlating the recorded process accounting information and the recorded service request information-in order to determine resource usage information for each of said service requests for each of said users during said

time period, said correlating comprising: identifying overlapping usage of any of said computer resources, said overlapping usage comprising usage, during said time period, of a same computer resource to perform processes for at least two different service requests of at least two different users; and allocating any overlapping usage by one of evenly splitting said overlapping usage between said at least two different service requests and splitting said overlapping usage in a weighted manner between said at least two different service requests based upon respective durations of said at least two different service requests."

[0003] More particularly, the inventors of the present invention noted a need for a technique that can be used to actively monitor the consumption of resources with respect to each service request by each user. Thus, the claimed invention provides metering of the use of network-accessible computer resources by multiple users requesting services. To accomplish this, process accounting information (i.e., usage of computer resources during a time period) is recorded and so is service request information. These two sets of information are aggregated and correlated, to generate usage metrics relating to resource usage for individual service requests of individual users. Specifically, as discussed in detail in paragraphs [0019]-[0024] a correlator uses a heuristic procedure to identify and allocate overlapping usage of resources between service requests and, thereby between different users for purposes of charging. That is, the correlator identifies usage, during a same time period, of a same computer resource to perform processes for at least two different services requests of at least two different users (e.g., as shown in Figure 2) and, then, allocates this overlapping usage between the two different service requests and, thereby the two different users (e.g., by splitting it up evenly between the two different service requests or splitting it in a weighted manner between the two different service requests

based upon respective durations of the two different service requests).

[0004] The Office Action asserts the Halliday shows all the limitations of the claims except for "specifying the allocating the recorded monitoring information." The Applicants respectfully disagree and further submit that there is no limitation in the present claims of "specifying the allocating the recorded monitoring information.

[0005] Halliday relates to the field of software licensing, and more specifically, to a system for providing centralized time based charging and/or metering of the use an application by a user on the user's own computer (see paragraph [0003]). Specifically, as discussed in paragraph [0053] of Halliday, an application is downloaded by a user or otherwise obtained by the user for use on the user's own computer. All software usage by the user is then metered (i.e., monitored and recorded) on the client system and this metered usage is reported to a metering server located in a host site where the software usage is accounted for and charged. The metering process can also include determining if the user is authorized to run the application and stopping the application if authorization is not found (see paragraph [0075]).

[0006] In other words, in Halliday a user requests a software application from a software licenser and the application is downloaded or installed from a storage device onto a user's own computer. The user's use of this application on his/her own computer is monitored/recorded (also referred to in Halliday as metering) and reported out so that the user can be charged for the use of the application (as an alternative to traditional license granting systems).

[0007] Since the metering and reporting processes of Halliday relate only to use of an application (i.e., a product) on the user's own computer, the Applicants submit that Halliday does not teach or disclose recording the usage of computer resources, where the computer resources

comprise servers distributed across an infrastructure of the service provider. Additionally, the Applicants submit that, since the only requests made by a user to a software licenser in Halliday are for a copy of the application (i.e., a product) and not a service, the Applicants submit that Halliday does not disclose service requests, much less recording service request information for service requests made by user".

[0008] Additionally, since Halliday only does discloses determining usage information regarding an application on a client's computer and this information is simply monitored and reported out by the clients computer, no "correlating" process is required for determining "resource usage information for each of said service requests for each of said users based upon the correlated recorded process accounting information and recorded service request information". Furthermore, since in Halliday each client uses an application on his/her own computer, there is no overlapping usage that needs to be identified and allocated. That is, since in Halliday each client uses an application on his/her own computer, the method of Halliday could not result in an overlapping usage situation in which a same computer resource is used during a same time period to perform processes for different services requests of different users. Finally, since an overlapping usage situation would not occur in Halliday, Halliday has no need for the claimed allocating process (i.e., Halliday does not disclose "allocating any overlapping usage by one of evenly splitting said overlapping usage between said at least two different service requests and splitting said overlapping usage in a weighted manner between said at least two different service requests based upon respective durations of said at least two different service requests.").

[0009] It appears that the Office Action has acknowledged that Halliday does not teach

the claimed allocating process and, thus, cites Deliwala as disclosing this limitation. The Applicants respectfully disagree.

[0010] As mentioned above, the allocating process of the present invention relates to allocating overlapping usage. Overlapping usage is defined as usage, during a time period, of a same computer resource to perform processes for at least two different service requests of at least two different users. Any overlapping usage is allocated by either evenly splitting the overlapping usage between the different service requests or splitting the overlapping usage in a weighted manner between the different service requests based upon respective durations of the different service requests.

[0011] Deliwala mentions an allocating process, it is not a process of allocating overlapping usage. Rather the method of Deliwala was designed for use when computing service provider bills a business entity for the total amount of services provided, but the business entity is interested in knowing how much computer time was used by each group and sub-group within the entity (see paragraph [0023]). Specifically, an exemplary method includes receiving billing information from a provider. A business model file is read and, then the billing information is allocated to the different groups/sub-groups according to the business model. Specifically, the business model file indicates how the business entity that incurred the costs is organized (e.g., engineering groups, accounting groups, etc.) (see paragraphs [0018][-0019]). Then, application profiles are determined. Specifically, application profiles identify tasks associated with groups and sub-groups. Process usage time is usually associated by the computer provider with a unique identifier (while not specifically state this appears to be a task specific identifier) and the application profile also associates that group with this identifier (see

paragraph [0020]). Thus, when billing information (including the task specific identifiers) is submitted to the business entity, the business entity can determine how much computing time was used by each group and sub-group.

[0012] Thus, Deliwala discloses a method in which a bill is received by a business entity for total services provided and includes task specific identifiers which are associated with usage time. Then, based on a business model that identifies which groups/sub-groups within the business entity perform which tasks, the method allocates billing information between the various groups/sub-groups within the business entity. However, nowhere in Deliwala does it address overlapping usage (i.e., a situation in which a same computer resource is used during a same time period to perform processes for at least two different service requests of at least two different users) or how such overlapping usage would be allocated.

[0013] Therefore, the Applicants submit that amended independent claims 1, 9, and 10 are patentable over the cited prior art references. Furthermore, dependent claims 3-8 and 22-29 are similarly patentable, not only by virtue of their dependency from a patentable independent claim, but also by virtue of the additional features of the invention they define. Moreover, the Applicants note that all claims are properly supported in the specification and accompanying drawings, and no new matter is being added. In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. Formal Matters and Conclusion

With respect to the rejections to the claims, the claims have been amended, above, to overcome these rejections. In view of the foregoing, Applicants submit that claims 1, 3-10 and 22-29, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. Therefore, the Examiner is respectfully requested to reconsider and withdraw the rejections to the claims and further to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary. Please charge any deficiencies and credit any overpayments to Attorney's Deposit Account Number 09-0441.

Respectfully submitted,

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